

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

)	
TRUSTEES OF THE PLUMBERS)	
AND STEAMFITTERS UNION)	
LOCAL NO. 10 APPRENTICESHIP)	
FUND,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No.: 3:24-cv-00180
)	
)	
VICTORIA NAPKY,)	
)	
Defendant.)	
)	

MOTION TO DISMISS PLAINTIFF’S AMENDED COMPLAINT

COMES NOW Defendant Victoria Napky, by counsel and pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, and moves this Court to dismiss the Amended Complaint (ECF No. 13) of Plaintiff Trustees of the Plumbers and Steamfitters Union Local No. 10 Apprenticeship Fund (“Plaintiff”) in its entirety, as it fails to state a claim upon which relief can be granted and, as to any remaining state law claims, for lack of jurisdiction pursuant to Rule 12(b)(1). The specific grounds for this Motion are set forth in detail in the accompanying Memorandum of Law in Support of Motion to Dismiss Plaintiff’s Amended Complaint.

WHEREFORE, Defendant respectfully requests that this Court enter an Order granting her Motion to Dismiss and dismissing the Amended Complaint, and for such other relief as the Court deems just and proper.

DEFENDANT'S POSITION REGARDING HEARING ON MOTION

Defendant asserts that the issues presented in this Motion are purely legal and does not request oral argument of the Motion. However, if the Court finds that a hearing will aid the decisional process, Defendant would be eager to participate.

Respectfully Submitted,

/s/ Mark J. Passero

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CERTIFICATE OF SERVICE

On this 31st day of May 2024, I certify that the foregoing document was served via the Court's ECF system upon all counsel of record, including the following:

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